

## **SECOND STEP: FORMAL GRIEVANCE HEARING**

Your request for a grievance hearing should be made to the SFHA Legal Department at 440 Turk St within the 10-day deadline. It should also state the reasons for the grievance and what action you want taken by the SFHA. The SFHA should then mail or deliver to you a written notification of the time and place of the hearing and the procedures that govern the hearing.

The SFHA is required to select an impartial hearing officer or hearing panel to decide the dispute. You should write an objection with reasons if you feel that the hearing officer cannot be fair. You must object at least 24 hours before the hearing is scheduled to begin.

### **Can I see the Documents that the SFHA is Using Against Me?**

Whether or not the SFHA allows a hearing, you are entitled to see and copy documents which relate to the dispute. In all cases, you have the right to see all documents including policies or regulations that the SFHA is relying on in supporting its decision against you. You also have the right to make copies of these documents at your own expense. If the SFHA does not make these documents available to you to examine, it may not rely on them at the hearing.

### **How will I know when the Grievance Hearing will Happen?**

The hearing should be set at a reasonable time with enough notice so that you can prepare and attend. Hearings are generally scheduled for the second Friday of each month.

Note: If you fail to attend the hearing you might lose your right to a hearing.

### **What Will Happen at the Grievance Hearing?**

Both you and the SFHA will be allowed to present your side of the dispute to the hearing officer or hearing panel. You have the right to be represented by a lawyer or other representative. You have the right to call witnesses and present evidence, both to support your claims and to contradict evidence that the SFHA presents.

### **What Happens After the Grievance Hearing?**

Within ten (10) working days after the hearing, the hearing officer or panel must prepare a written decision. The decision must state the specific facts relied on in making the decision. The decision will be sent to both you and the SFHA/ The hearing decision is final unless the SFHA Commission makes a finding that the decision is contrary to law.

Where the SFHA is trying to evict you, you have the right to contest the eviction. The SFHA is required to prove to the Court that it has a legally sufficient basis to evict you. If the grievance hearing concerned a notice of termination from the SFHA, the SFHA must serve you with a new notice to vacate after mailing/delivering the hearing decision to you,

# **Public Housing Residents: Grievance Hearings**



427 South Van Ness

SAN FRANCISCO, CA 94103

415-703-8634

[WWW.HRCSEF.ORG](http://WWW.HRCSEF.ORG)

### **TENANTS RIGHTS COUNSELING:**

MONDAY-THURSDAY, 1-5PM

415-703-8644

### **PUBLIC HOUSING / SECTION 8**

**RENTER'S RIGHTS**

**HOTLINE:**

415-354-6353

## **When Can I use the Grievance Procedure?**

Federal law requires the San Francisco Housing Authority (SFHA) to have a grievance procedure to settle almost any dispute you as a tenant may have with the agency. For example, you may use the grievance procedure to require the SFHA to make repairs, to recalculate your rent, or to get a transfer to another unit.

The SFHA's Grievance Procedures are in Appendix B of the Admissions & Continuing Occupancy Policies (ACOP) which can be found online at <http://www.sfha.org/publichousing/acop.htm>.

## **When can I NOT use the Grievance Procedure?**

The grievance procedure does not apply to group or class action grievances brought by a number of tenants, or to disputes between tenants that do not involve the SFHA. It also can't be used to negotiate changes in policies involving many tenants.

## **The Housing Authority is Terminating my Lease. Can it deny me a Grievance Hearing?**

You can usually grieve the termination of your lease. However, if the SFHA is terminating your lease because they say that you owe rent, it can deny you a grievance hearing if you don't pay the rent that is due into an escrow account (unless you are contesting a hardship exemption or imputed welfare income). The SFHA can also

deny a grievance hearing where it is terminating the lease for:

- Any criminal activity that occurs in or around the property that SFHA claims "threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the SFHA" and was done by a household member, guest, or person under the control of the household; or
- Any criminal activity that results in the felony conviction of a household member; or
- Any violent drug-related criminal activity that occurs on or around the property by a member of the household, a guest, or other person under the control of the household.

Evictions for criminal activity are usually preceded by three-day notices. Tenants receiving three-day notices are not usually given the opportunity for a grievance hearing. If the SFHA does not allow for grievances, the notice must state that, as well as the reason why no grievance hearing is allowed.

## **When Must/ Should I Request a Grievance Hearing?**

If the SFHA isn't terminating your lease, you can file a grievance as long as your complaint against the SFHA remains. If you receive a thirty-day or fourteen-day notice, you must request the hearing within the deadline stated on the notice.

## **What are the Steps to the Grievance Procedure?**

### **FIRST STEP: INFORMAL MEETING**

There are two steps to the grievance process. When you get a "notice of adverse action" or when you want to grieve a problem, you have the right to request an informal settlement meeting within 10 days. This person might be the on-site manager or another supervisory person depending on the nature of the dispute. You must be given the hearing within 15 days of your request.

At the first step of the grievance procedure, the tenant and SFHA will discuss the grievance to see if it can be resolved without a formal hearing. After this informal meeting, the SFHA should provide a written summary of the meeting within five (5) working days. The summary should give the date of the meeting, who attended, the proposed solution and the specific reasons for the proposal. The summary should state how you can request a formal hearing if you are dissatisfied and that you have ten days to request a formal hearing.

Note: If you fail to request a formal hearing within ten days of receiving the summary, you may lose the right to a hearing or to reverse the SFHA's decision. Put the grievance in writing and keep a copy that is date stamped to show when the housing authority received it.